

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

<hr/>		MDL No. 1456
IN RE PHARMACEUTICAL INDUSTRY)	Master File No. 01-12257-PBS
AVERAGE WHOLESALE PRICE LITIGATION)	
<hr/>)	Judge Patti B. Saris
)	
THIS DOCUMENT RELATES TO:)	
State of California, <i>ex rel.</i> Ven-A-Care v.)	
Abbott Laboratories, <i>et al.</i>)	
CASE #: 1:03-cv-11226-PBS)	
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STATE OF CALIFORNIA’S AND RELATOR’S STATUS REPORT-SEPTEMBER 1, 2005

The undersigned counsel, on behalf of plaintiffs STATE OF CALIFORNIA (“CALIFORNIA”) and Relator, VEN-A-CARE OF THE FLORIDA KEYS, INC. (“VEN-A-CARE” or “RELATOR”), hereby submit the attached Status Report to the Court in accordance with the Court’s June 17, 2004 Procedural Order.

Respectfully submitted,

BILL LOCKYER
Attorney General for the State of California

Dated: September 1, 2005

By: /s/ Brian V. Frankel
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Dated: September 1, 2005

By: /s/ James J. Breen

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VEN-A-CARE OF THE FLORIDA KEYS, INC.

MDL 1456 Status Report
State of California, *ex rel.* Ven-A-Care v. Abbott Laboratories, *et al.*
Case No.: 1:03-cv-11226-PBS

First Amended Complaint in Intervention:

Plaintiffs filed a First Amended Complaint in Intervention on August 25, 2005.

Motion to File Unredacted Exhibits Under Seal:

On August 25, 2005, plaintiffs filed a motion to file unredacted Exhibits under seal. The Exhibits are Exhibits A-K and Exhibits M-R to the First Amended Complaint in Intervention. Redacted versions of such Exhibits were filed and served on August 25, 2005, along with the First Amended Complaint in Intervention. Copies of the unredacted exhibits were lodged with the Court under seal on August 25, 2005, for the Court's consideration.

Anticipated Filings:

The Attorney General of California will be filing additional motions/pleadings, under seal when necessary, to dispose of the state's interests in matters remaining under seal. In addition, plaintiffs will request a Status Conference and the entry of a Case Management Order by a motion to be filed after the defendants named in the First Amended Complaint in Intervention have been served and can participate.

CERTIFICATE OF SERVICE

I, Brian V. Frankel, hereby certify that on September 1, 2005, I caused a true and correct copy of the foregoing, **STATE OF CALIFORNIA'S AND RELATOR'S STATUS REPORT- SEPTEMBER 1, 2005**, to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to Verilaw Technologies (or LexisNexis File & Serve, Verilaw's successor) for posting and notification to all parties.

Dated: September 1, 2005

/s/ Brian V. Frankel

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